

Notice of Allowability

Application No.

10/669,454

Examiner

ALEX NOGUEROLA

Applicant(s)

GILLETTE ET AL.

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment of 5/15/2007.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Drawings

1. The drawings were received on June 15, 2007. These drawings are accepted.

Allowable Subject Matter

2. Claims 1-11 are allowed.
3. The following is an examiner's statement of reasons for allowance: the combination of limitations in independent claim1 requires "at least one of said electrodes being connectable in circuit with said conductive surface and with an external current source to provide a current for electrochemical determination of two or more parameters of said solution."

In the embodiment of Figure 9B of Benton the "electrodes" 306 and 308 are metal oxide varistors (MOVs), whose function(s) are not specified. See col. 07:58-67. A MOV is not an electrode, but effectively a network of back-to-back diodes. Also, "[v]aristors are often used to protect circuits against excessive voltage by acting as a spark plug." See the wiseGeek article entitled "What is a Varistor?" Thus, even if the

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varistors could still be construed as electrodes, it would not have been obvious to have "electrodes" be connectable in circuit with the conductive surface and an external current surface to provide a current for electrochemical determination of two or more parameters of said solution.

Wolf already has "a conductive surface that serves as both an electrode and a light shield." Metal mask 214 is an electrode because it is coupled to a DC potential or ground and is a light shield because it surrounds, but is spaced from, the gate electrode and covers the drain electrode and source electrode. See page 9:30 - page 1:03 and Figure 2B. It would not have obvious to use the metal mask for also making electrochemical determination of two or more parameters of the solution because it is intended as an electrical shield. See page 9:30 – page 10:10. So, any electrochemical determinations made with the metal mask would be unreliable as it is for diverting stray or interfering electrical fields. Even if it would have been obvious to also provide the conductive surface of Benton in the invention of Wolf, it would be to function as a light shield and an electrical shield. See in Benton col. 04:22-25. Although Benton also mentions that the conductive surface "... can also be used as an oxide reduction potential (ORP) membrane for measuring oxide or reduction potential" (col. 04:28-30), there is no mention is Benton of using it for this purpose with an electrode spaced remotely from the transistor. Also, Wolf discloses providing complete sensors spaced remotely from the FET(s). See page 16:31 – page 17:03.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably


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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX NOGUEROLA whose telephone number is (571) 272-1343. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NAM NGUYEN can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alex Noguera
Primary Examiner
AU 1753
August 22, 2007